

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

KIERAN RAVI BHATTACHARYA)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 3:19-CV-00054
)	
JAMES B. MURRAY, JR., et. al.,)	
)	
)	
Defendants.)	
)	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’ MOTION TO
RECONSIDER ORDER REGARDING THIRD-PARTY SUBPOENA TO CVS**

Plaintiff, Kieran Ravi Bhattacharya (“Mr. Bhattacharya”), respectfully states as follows in response to Defendants’ Motion to Reconsider Order Regarding Third-Party Subpoena to CVS (Dkt. #274).

The Court’s Order that Defendants now seek to have the Court reconsider struck a balance between Defendants’ claimed “need” to see what prescriptions had been filled by anyone under Mr. Bhattacharya’s name at CVS and whatever remains of Mr. Bhattacharya’s privacy rights that Defendants have repeatedly violated in various court filings (*e.g.*, Answer ¶ 7) and statements to the local and national news media (*e.g.*, Dkt. #278 at 8). This balancing of competing considerations is reflected in the Court’s Order that the CVS subpoena be narrowed in scope and time period to apply only to prescriptions for “psychotropic” medications filled by anyone under Mr. Bhattacharya’s name between June 1, 2016 and January 31, 2019. (Dkt. #266.) Rather than debate the meaning of “psychotropic,” Plaintiff has no objection to allowing the Court to conduct *in camera* review to determine which prescription drugs fit the limitation set forth in the Court’s

Order. Alternatively, Plaintiff's counsel would be willing to undertake a review of responsive documents in the first instance to determine whether any of the records responsive to the subpoena between June 1, 2016 and January 31, 2019 would include prescriptions that exceed the scope of the Court's Order. The responsive documents within the scope and time period of the Court's Order would then be turned over to Defendants' counsel within 48 hours of receipt of the entirety of the records.

Date: February 17, 2021

Respectfully submitted,

KIERAN RAVI BHATTACHARYA

By: /s/ Michael J. Lockerby
Counsel

Michael J. Lockerby (VSB No. 24003)
FOLEY & LARDNER LLP
Washington Harbour
3000 K Street, N.W., Suite 600
Washington, D.C. 20007-5109
Telephone: (202) 672-5300
Facsimile: (202) 672-5399
E-mail: mlockerby@foley.com

*Counsel for Plaintiff,
Kieran Ravi Bhattacharya*